

FILED

FEB 16 2010

SECRETARY, BOARD OF
OIL, GAS & MINING

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

IN THE MATTER OF THE REQUEST FOR AGENCY ACTION OF WOLVERINE GAS AND OIL COMPANY OF UTAH, LLC FOR AN ORDER AUTHORIZING THE FLARING AND VENTING OF GAS IN EXCESS OF THE AMOUNTS ALLOWED UNDER UTAH ADMIN. CODE RULE R649-3-20(1.1) FROM THE WOLVERINE FEDERAL ARAPIEN VALLEY 24-1 AND PROVIDENCE FEDERAL 24-4 WELLS LOCATED IN THE W½ OF SECTION 24, TOWNSHIP 20 SOUTH, RANGE 1 EAST, SLM, SANPETE COUNTY, UTAH

**WOLVERINE'S MEMORANDUM
IN OPPOSITION TO RICHFIELD
BLM's MOTION FOR
CONTINUANCE AND MOTION
FOR EXPEDITED RULING**

Docket No. 2010-010

Cause No. 269-01

Wolverine Gas and Oil Company of Utah, LLC ("Wolverine"), by and through its attorneys, Beatty and Wozniak, P.C., and pursuant to Utah Administrative Code Rules R641-104-160 and R641-105-300, hereby respectfully submits the following Memorandum in Opposition to the Motion for Continuance filed February 9, 2010 by the Richfield Field Office of the United States Bureau of Land Management ("Richfield BLM"), and respectfully requests an expedited ruling from the Utah Board of Oil, Gas and Mining (the "Board") on the Richfield BLM's Motion, preferably no later than Friday, February 19, 2010. It should first be noted that, contrary to Utah Administrative Rules R641-106-300 and R641-106-400, the Richfield BLM failed to serve its Motion upon Wolverine and its counsel of record. Instead, Wolverine and its counsel were advised of said Motion only through the courtesy of the Board's Secretary.

The basis for the Richfield BLM's Motion for a Continuance appears to be its purported need for additional time to review supplemental production forecasts and economics, which Wolverine agreed to supply (and has since supplied) to the Richfield BLM and to the Utah State Office of the United States Bureau of Land Management ("State BLM") and the Utah Division of Oil, Gas and Mining (the "Division"). The request for this additional information was made in a telephonic conference held by all of the parties on February 4, 2010. At no time during that conference did the Richfield BLM indicate that additional information was deemed crucial to a determination of whether or not the Agency could timely respond to Wolverine's Request for Agency Action by the hearing, or that once the information was supplied, such additional review time would be necessary so as to require a continuance.

In accordance with its commitment made in the February 4, 2010 telephonic conference, Wolverine submitted the requested supplemental information to the Richfield BLM, State BLM and the Division electronically (via e-mail) on February 10, 2010, leaving nearly two weeks prior to the hearing on this matter for review. In addition, Wolverine has consistently offered to make its technical personnel available to the respective agencies for further clarification or to answer any additional questions concerning its Request for Agency Action. Given that the materials submitted were supplemental and more detailed production forecasts and economics, merely clarifying

and backing up the same type of exhibits that were submitted back on January 24, 2010, Wolverine cannot fathom why the Richfield BLM asserts it will need additional time beyond the scheduled hearing date of February 24, 2010. In the absence of further clarification and justification why additional review time beyond the hearing date is required, Wolverine respectfully submits that the Richfield BLM's Motion for a continuance should be denied and the hearing held as scheduled.

Most compelling is the fact that, notwithstanding any action the Board may take on Wolverine's Request, the Richfield BLM must still approve the requested flaring and venting in accordance with Federal NTL-4A before Wolverine can actually resume production and flare and vent. Should the Richfield BLM truly need additional time for analysis of the supplemental data provided by Wolverine, it can do so (so long as the time for such review is reasonable), as part of its NTL-4A process without unduly and unnecessarily delaying Board action.

Finally, it must be noted that the Division has not joined in the Richfield BLM's Motion for a continuance, tacitly reflecting its determination that the hearing may proceed as scheduled. In addition, the Board's Secretary has informed the undersigned that the Board's March agenda already has 13 matters docketed. A continuance of this matter, especially when the stated justification is insufficiently supported, would only serve to further crowd an already demanding hearing.

Given the travel plans made and expenses already incurred by Wolverine, it is imperative that a decision by the Board on the Richfield BLM's Motion be made no later than Friday, February 19, 2010, so that in the event the Motion is granted, Wolverine may cancel its trip from Michigan and avoid incurring additional expenses and cancellation fees.

Respectfully submitted this 16th day of February, 2010.

BEATTY & WOZNIAK, P.C.

By: 

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CERTIFICATE OF SERVICE

I hereby certify that, on this 16th day of February, 2010, in addition to the original and fourteen copies hand delivered to the Board's Secretary, I caused a true and correct copy of the foregoing Memorandum in Opposition and Motion for Expedited Ruling to be sent electronically, and via regular mail, postage pre-paid, to:

Cornell M. Christensen
Stan Andersen
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Richfield Field Office
150 East 900 North
Richfield, UT 84701
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and sent electronically and hand delivered to the following:

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